



17-000-7739

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 30 2017

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Pete Olson
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Olson:

Thank you for the letter of April 19, 2017, to the U.S. Environmental Protection Agency regarding the proposed rulemaking on methylene chloride.

Your feedback is important to the agency as we implement the amended Toxic Substances Control Act (TSCA) and consider the next steps on methylene chloride. In a 2014 assessment, the EPA identified serious risks to workers and consumers from methylene chloride when used as a paint remover. Long-term effects include harm to the central nervous system, liver toxicity, and cancer. Short-term (acute) exposures to workers and consumers, including bystanders, can result in harm to the central nervous system, or neurotoxicity, causing dizziness, incapacitation, and, in some reported cases, death. The EPA's effort to address these risks has been underway since 2014. Section 26(l)(4) of TSCA, as amended, authorizes the agency to move forward with a final rule to regulate methylene chloride.

Informed by consultations with methylene chloride users, small businesses, and other affected entities, the EPA found that effective and safer products are available for virtually all paint and coating removal applications of methylene chloride. Thus, the EPA proposed on January 19, 2017, to prohibit manufacture (including import), processing, and distribution in commerce of methylene chloride when used as a paint remover, and to prohibit commercial use of methylene chloride for paint and coating removal, except for commercial furniture refinishing, which the agency plans to address in a separate proposal. The agency recently extended the public comment period for this notice of proposed rulemaking until May 19, 2017. The issues raised in your letter have also been noted by other commenters and will be carefully considered as the agency develops next steps.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or at (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy Cleland-Hamnett". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wendy Cleland-Hamnett
Acting Assistant Administrator

PETE OLSON
22ND DISTRICT, TEXAS

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SUBCOMMITTEE ON
COMMUNICATIONS AND TECHNOLOGY

Congress of the United States House of Representatives

Washington, DC 20515

April 19, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

I am writing to ask that you review, and consider the implications of, the Environmental Protection Agency's (EPA) notice of proposed rulemaking (NPRM) to prohibit the use of methylene chloride (MeCl₂) in paint stripping and coating removal products under section 6 of the Toxic Substances Control Act (TSCA).

To be sure, EPA should regulate harmful substances that pose an undue threat to consumers. However, I have heard significant concerns regarding this rulemaking, and am told that it could result in a banning of substances that would leave consumers with not only less effective but also less safe alternatives. I also have concerns that it will place a burden on small businesses—and employers in my district—disproportionate to the benefits of the rulemaking.

Given this, I hope that you will fully consider the costs and potential negative consequences of this rule before proceeding. If safety concerns necessitate that you move forward with a rulemaking on MeCl₂, I would also ask that you consider any alternative actions that might protect consumers while still protecting small businesses and allowing consumers to choose the product best suited for their uses.

Very respectfully,

A handwritten signature in black ink, appearing to read "Pete Olson".

Pete Olson
Member of Congress

STEPHEN F. LYNCH
8TH DISTRICT, MASSACHUSETTS

COMMITTEE ON FINANCIAL SERVICES
SUBCOMMITTEE ON CAPITAL MARKETS AND
GOVERNMENT SPONSORED ENTERPRISES
SUBCOMMITTEE ON FINANCIAL INSTITUTIONS
AND CONSUMER CREDIT

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM

RANKING MEMBER, SUBCOMMITTEE ON
NATIONAL SECURITY
SUBCOMMITTEE ON GOVERNMENT OPERATIONS

ASSISTANT DEMOCRATIC WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-2108

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LYNCH.HOUSE.GOV

April 17, 2017

Administrator Scott Pruitt
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

I am writing in response to the Environmental Protection Agency's (EPA) notice of proposed rulemaking (82-FR-7464) to ban the use of methylene chloride (DCM) in paint and coating removal products under section 6 of the Toxic Substances Control Act (TSCA). As you finalize this proposed rule, I urge you to consider the concerns reported to me by small manufacturers in my congressional district that utilize DCM in formulating paint and coating removal products.

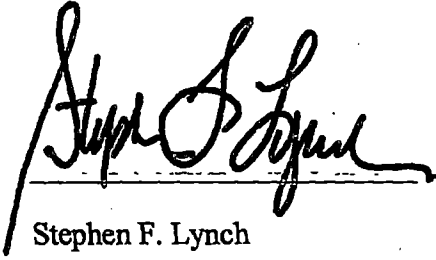
While the EPA is considering possible voluntary and regulatory actions to address the concerns of usage of DCM, I would like to highlight the concerns presented to me by small manufacturers. Those include the absence of a substantive financial report that outlines the potential economic impact of this rule on small businesses; a quantified assessment of the economic and consumer risks associated with DCM; and the lack of enhanced labeling alternatives to the proposed rule.

To further their claim, the recently enacted TSCA overhaul as updated in the Frank Lautenberg Chemical Safety for the 21st Century Act requires the EPA to consult and coordinate with other federal agencies to minimize the burdens resulting from duplicative regulations subject to the Act. In turn, it was brought to my attention that OSHA, CPSC, and EPA already regulate products containing DCM. The issues presented by small manufacturers have raised concerns regarding the implementation of this rule, and the subsequent financial impact manufacturers would suffer because of additional regulations imposed.

$\mathcal{H}_1 = \{ \mathbf{h}_1, \mathbf{h}_2, \dots, \mathbf{h}_M \}$ and $\mathcal{H}_2 = \{ \mathbf{h}_{M+1}, \mathbf{h}_{M+2}, \dots, \mathbf{h}_{M+N} \}$ are the two sets of hypotheses. The test statistic is defined as $T(\mathbf{y}) = \sum_{i=1}^M \mathbf{y}^T \mathbf{h}_i$. The decision rule is to choose \mathcal{H}_1 if $T(\mathbf{y}) \geq \tau$ and \mathcal{H}_2 otherwise. The threshold τ is chosen such that the probability of false alarm is α . The probability of detection is β . The ROC curve is the plot of β versus α . The AUC is the area under the ROC curve. The AUC is a measure of the performance of the classifier. The AUC is 0.5 for a random classifier and 1.0 for a perfect classifier. The AUC is 0.75 for a good classifier. The AUC is 0.6 for a fair classifier. The AUC is 0.55 for a poor classifier. The AUC is 0.52 for a very poor classifier. The AUC is 0.51 for a random classifier.

As this public comment period for this proposed rule is close to an end, I respectfully request that your agency take into consideration the concerns that have been risen by small manufacturing businesses across the nation, including those in my district. I appreciate your review of my concerns and look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen F. Lynch", is written over a horizontal line. The signature is stylized with a large initial "S" and a long, sweeping underline.

Stephen F. Lynch

Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 30 2017

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Stephen F. Lynch
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lynch:

Thank you for the letter of April 17, 2017, to the U.S. Environmental Protection Agency regarding the proposed rulemaking on methylene chloride.

Your feedback is important to the agency as we implement the amended Toxic Substances Control Act (TSCA) and consider the next steps on methylene chloride. In a 2014 assessment, the EPA identified serious risks to workers and consumers from methylene chloride when used as a paint remover. Long-term effects include harm to the central nervous system, liver toxicity, and cancer. Short-term (acute) exposures to workers and consumers, including bystanders, can result in harm to the central nervous system, or neurotoxicity, causing dizziness, incapacitation, and, in some reported cases, death. The EPA's effort to address these risks has been underway since 2014. Section 26(l)(4) of TSCA, as amended, authorizes the agency to move forward with a final rule to regulate methylene chloride.

Informed by consultations with methylene chloride users, small businesses, and other affected entities, the EPA found that effective and safer products are available for virtually all paint and coating removal applications of methylene chloride. Thus, the EPA proposed on January 19, 2017, to prohibit manufacture (including import), processing, and distribution in commerce of methylene chloride when used as a paint remover, and to prohibit commercial use of methylene chloride for paint and coating removal, except for commercial furniture refinishing, which the agency plans to address in a separate proposal. The agency recently extended the public comment period for this notice of proposed rulemaking until May 19, 2017. The issues raised in your letter have also been noted by other commenters and will be carefully considered as the agency develops next steps.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or at (202) 566-2753.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wendy C. Hamnett". The signature is written in dark ink and is positioned above the printed name.

Wendy Cleland-Hamnett
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

Secretary Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C.

May 11, 2017

Dear Secretary Pruitt,

We are writing to express strong opposition to proposed cuts to the Lead Risk Reduction Program and the proposed elimination of the Toxic Substances Control Act Section 404(g) Lead-Based Paint Programs grants. Lead-based paint has been outlawed in the United States for nearly 30 years. Elevated blood lead concentrations in children are linked to brain damage, learning disabilities, and behavioral issues. The scientific consensus, supported by the American Academy of Pediatrics, is that there is no safe level of blood lead concentration in children. Yet in more than 3,000 neighborhoods in the United States, over 10 percent of children have elevated concentrations of lead in their blood.

The Lead Risk Reduction Program trains renovators working in buildings that may contain lead-based paint to uphold federal safety standards. Thirty-six states rely entirely on the federal government to provide this training. The Lead-Based Paint Programs grants help offset the cost to states and tribes developing and implementing their own lead risk prevention programs, a vital tool in efforts to end childhood lead-poisoning. The reduction or elimination of these programs would represent a tremendous step backwards in the decades-long effort to guarantee all children a safe place to live.

Furthermore, a 2009 study found that every dollar invested in lead paint hazard control results in up to \$221 in net savings. Children with lead-poisoning require medical treatment and are likely to need extra support in school and have lower lifetime earnings. Directing our resources towards prevention protects not just public health but public dollars.

In every corner of the country, children are being poisoned by their own homes. While no community is immune, the scourge of lead exposure disproportionately impacts working- and middle-class families that struggle to afford the costly renovations required to keep their children safe. For these families, this funding is a lifeline. Eliminating it will keep thousands of American children directly in harm's way.

Sincerely,



Joseph P. Kennedy, III
Member of Congress



Daniel T. Kildee
Member of Congress

Louise M. Slaughter

Louise M. Slaughter
Member of Congress

Niki Tsongas

Niki Tsongas
Member of Congress

Katherine M. Clark

Katherine Clark
Member of Congress

Nydia M. Velázquez

Nydia M. Velázquez
Member of Congress

Michael E. Capuano

Michael E. Capuano
Member of Congress

Seth Moulton

Seth Moulton
Member of Congress

Jim McGovern

Jim McGovern
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Daniel Kildee
U.S. House of Representatives
327 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Kildee:

Thank you for your letter of May 11, 2017, to Scott Pruitt, Administrator of the U.S. Environmental Protection Agency, expressing concern about the agency's Fiscal Year 2018 President's Budget, submitted to Congress in May, for the Lead Risk Reduction program and the Toxic Substances Control Act Section 404 Lead-Based Paint Program grants.

The Administrator remains committed to protecting human health and the environment by preventing lead exposure to children of low-income and non-low-income families. The Lead paint certification program that administers training to renovators and contractors for states and tribes will continue under the Chemical Risk Review and Reduction program.

The EPA will work collaboratively with states, local governments, tribes, and Members of Congress to provide flexibility to address this important priority. The President's Budget focuses federal funding for core work in air and water quality, contaminated land clean-ups, enforcement, and ensuring the safety of chemicals in the marketplace. The budget aims to reduce redundancies and inefficiencies and prioritize the EPA's core statutory mission of providing Americans with clean air, land, and water. While many in Washington insist on greater spending, the EPA is focused on greater value and real results. With support from our state and local partners and by working with you and your colleagues in Congress, we can make a real difference in communities across America.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact James Blizzard, in the EPA's Office of Congressional and Intergovernmental Relations, at blizzard.james@epa.gov or (202) 564-1695.

Sincerely,


David A. Bloom
Acting Chief Financial Officer

DWIGHT EVANS
2ND DISTRICT, PENNSYLVANIA

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Congress of the United States
House of Representatives
Washington, DC 20515
April 21, 2017

COMMITTEE ON SMALL BUSINESS:
ECONOMIC GROWTH, TAX AND CAPITAL ACCESS
SUBCOMMITTEE RANKING MEMBER

CONTRACTING AND WORKFORCE SUBCOMMITTEE

AGRICULTURE COMMITTEE:
NUTRITION SUBCOMMITTEE

LIVESTOCK AND FOREIGN AGRICULTURE
SUBCOMMITTEE

Administrator Scott Pruitt
The Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Pruitt:

Pennsylvania has a long history of environmental concerns that require the constant work of entities such as the Office of Environmental Justice within the Pennsylvania Department of Environmental Protection (PA DEP) and the Environmental Protection Agency (EPA). Recent actions by the Administration call into question whether there is a concern for the environment and the natural resources that the state of Pennsylvania is home to. Additionally, with the resignation of Mustafa Ali, the head of the Environmental Justice Program at the EPA, there is a heightened concern for how the Administration will handle environmental justice concerns, and the Administration's plan to protect our most vulnerable communities.¹

Mustafa Ali's resignation is unprecedented as he worked in the agency for twenty-four years, all the while trying to ease the burden of air and water pollution in hundreds of poor, minority communities nationwide.² As you may know, the budget cuts proposed by the Administration are incredibly harmful to these communities and will have devastating effects that will impact their lives for years to come.

According to the President's budget, the EPA's budget will be submitted at \$5.655 billion, which is a 31 percent decrease from the previous administration's budget. The programs suggested by the Administration to be eliminated are the Pollution Prevention Program, Toxic Substances: Lead Risk Reduction Programs, Environmental Justice, Water Quality Research and Support Grants, and Environmental Education.

These programs are important to both rural and urban neighborhoods nationally, not just communities in Pennsylvania and Flint, Michigan. Their elimination causes the government to prioritize which issues are in need of funding and determine which programs have run their course. However, the programs that will be cut will have a direct impact on children and families in our country that are the most vulnerable.

¹ Phill McKenna. "Chief Environmental Justice Official at EPA Resigns, With Plea to Pruitt to Protect Vulnerable Communities." *Inside Climate News*. N.p., 9 Mar. 2017. Web. 21 Apr. 2017. (online at <https://insideclimatenews.org/news/09032017/epa-environmental-justice-mustafa-ali-flint-water-crisis-dakota-access-pipeline-trump-scott-pruitt>)

² Dennis, Brady. "EPA Environmental Justice Leader Resigns, amid White House Plans to Dismantle Program." *The Washington Post*. WP Company, 09 Mar. 2017. Web. 21 Apr. 2017. (online at https://www.washingtonpost.com/news/energy-environment/wp/2017/03/09/epas-environmental-justice-leader-steps-down-amid-white-house-plans-to-dismantle-program/?utm_term=.726c553eb20f)

The lead contaminated water in Flint, Michigan is an example of one of many communities across the country that has been and currently remain negatively affected by states and schools not actively checking for lead in drinking water. For 18 months, Flint's water was tainted with lead and action was not taken until a pediatrician noticed her patients had elevated levels of lead in their blood.

There is no safe level of lead for our children to drink, as it can stay in their bodies for months before the effects of lead poisoning even begin to show. Traces of lead affect children's ability to learn, grow, and behave—especially during their early development stages.

Recently, a report set forth by the Pennsylvania Environment and Pennsylvania Public Interest Research Groups (PIRG), highlighted the water safety issues in Pennsylvania.³ In the report, the following findings were brought forward:

- Several states have no requirements for schools and pre-schools to address the threat of lead
- Federal rules only apply to roughly ten percent of schools and pre-schools that provide their own water
- Nearly 200 water systems across the 50 states had levels of lead in their water in the excess of EPA standards over the last four years
- Lead service lines account for 50-75 percent of lead found in taps

These are just a few key points that highlight policies and rules that we must act on in order to address a preventable public health crisis. Lead poisoning affects all members of our communities—it transcends the tax bracket—as it impacts everyone. We need to ensure that all of our communities are represented in the process of overcoming this epidemic.

For example, in Los Angeles County, more than 17 percent of small children tested have shown elevated lead levels in their blood.⁴ The current average-listing price for a home in Los Angeles County is \$2.9 million.⁵ The mayor of San Marino was stunned and did not know of any poisoning cases in the community, which displayed the government's lack of understanding and realization as to how lead reaches everyone, not just those in lower-income neighborhoods.

In Philadelphia, Pennsylvania, according to the State Department of Health in 2014, more than 10 percent of children from Philadelphia had elevated blood levels.⁶ In fact, lead problems in the city of Philadelphia are chronic, and are discussed less. Children's blood levels are elevated primarily because of lead-based paint.

Lead is found in water and old paint—old paint being the primary cause of why children in Los Angeles County and Philadelphia have highly elevated blood levels. The President's proposed budget for the EPA

³ Rumppler, John, and Christina Schlegel. "Getting the Lead Out." *Science News* 97.7 (1970): 167-68. Feb. 2017. Web. Apr. 2017. (online at <http://pennenvironment.org/sites/environment/files/reports/PAE%20GetTheLeadOut.pdf>)

⁴ Schneyer, Joshua. "Reuters Investigates: Lead's Hidden Toll Is Felt across L.A." *Reuters*. Thomson Reuters, 19 Apr. 2017. Web. 21 Apr. 2017. (online at <http://www.reuters.com/investigates/special-report/usa-lead-la/>)

⁵ See note 4.

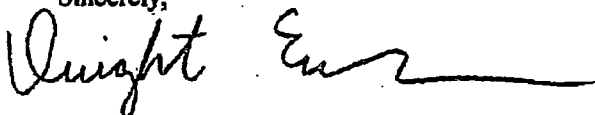
⁶ Otterbein, Holly. "It's Not Just Flint - Philadelphia Has a Huge Lead Problem, Too." *Philadelphia Magazine*. N.p., 22 Feb. 2016. Web. 21 Apr. 2017. (online at <http://www.phillymag.com/citified/2016/02/21/philadelphia-lead-poisoning/>)

underscore the importance of the programs that are critical for raising public awareness about lead's risks and how to properly train workers on the removal of lead-based paint.⁷

For the aforementioned reasons, I want to know:

- 1) How the Administration plans to prioritize vulnerable communities in order to protect them from environmental issues that disproportionately impact them?
- 2) How the Administration will ensure environmental regulations protect citizens across the nation when the proposed budget takes the EPA from a \$8.2 billion agency to a 5.6 billion agency?

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight Evans", followed by a long horizontal flourish.

Dwight Evans

Member of Congress

⁷ Cabrera, Yvette. "EPA to Cut Programs That Keep Children Safe from Lead." *ThinkProgress*. ThinkProgress, 06 Apr. 2017. Web. 21 Apr. 2017. (online at <https://thinkprogress.org/epa-to-cut-programs-that-keep-children-safe-from-lead-ccbe32f49363>)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 20 2017

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Dwight Evans
U.S. House of Representatives
1105 Longworth Building
Washington, D.C. 20515

Dear Congressman Evans:

Thank you for your letter of April 21, 2017, to Scott Pruitt, Administrator of the U.S. Environmental Protection Agency, expressing concern about the agency's Fiscal Year 2018 President's Budget, submitted to Congress in May, with regard to how the Administration will ensure environmental regulations protect citizens across the nation with a lower budget and specifically the issue of children's lead exposure.

The FY 2018 President's Budget requests a total of \$2.3 billion for the Clean Water and Drinking Water State Revolving Fund programs and \$20 million for the Water Infrastructure Finance and Innovation Act program. These programs allow states, municipalities, and private entities to continue to finance high priority infrastructure investments that protect human health and the environment. Funding requested supports modernizing the outdated water infrastructure on which the American public depends. The EPA will continue to work to revise the Lead and Copper Rule, providing certainty to states and tribes. Our focus is on providing funding for critical drinking and wastewater infrastructure in areas of the country that need help improving their aging water infrastructure.

The President's Budget focuses federal funding for core work in air and water quality, contaminated land clean-ups, enforcement, and ensuring the safety of chemicals in the marketplace. The budget aims to reduce redundancies and inefficiencies and prioritize the EPA's core statutory mission of providing Americans with clean air, land, and water. While many in Washington insist on greater spending, the EPA is focused on greater value and real results. With support from our state and local partners – and by working with you and your colleagues in Congress, we can make a real difference in communities across America.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact James Blizzard, in the EPA's Office of Congressional and Intergovernmental Relations, at blizzard.james@epa.gov or (202) 564-1695.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Bloom", followed by a horizontal line.

David A. Bloom
Acting Chief Financial Officer

BILL CASSIDY, M.D.
LOUISIANA

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United States Senate

COMMITTEES:

FINANCE

HEALTH, EDUCATION, LABOR,
AND PENSIONS

ENERGY AND NATURAL
RESOURCES

VETERANS' AFFAIRS

JOINT ECONOMIC COMMITTEE

May 12, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Office of the Administrator, 1101A
Washington, DC 20460

I am writing to request that the Environmental Protection Agency (the EPA) issue fair and consistent compliance requirements for all carbon black manufacturing plants as part of EPA's New Source Review investigations and until then, delay current requirements on Cabot Corporation's carbon black facilities located in Louisiana.

An American chemicals and performance materials company, Cabot provides employment for hundreds of Louisianans, spending roughly \$50 million each year on wages, goods, and services in my state. The company also employs many more hard working men and women at plants in Texas, Oklahoma, Illinois, Michigan, and Massachusetts.

As you know, during the Obama administration, the EPA issued new requirements on all U.S. carbon black producers, including Cabot, under the Clean Air Act. Cabot agreed to these changes with the understanding that the entire industry would be held to the same standards and compliance deadlines. On November 29, 2013, EPA stated, *"This settlement will be the first settlement reached pursuant to the EPA's NSR investigations of all carbon black manufacturing plants in the United States, part of the EPA's national enforcement initiative aimed at reducing air pollution from the largest sources".*¹

I am told, however, that while EPA reached consent decrees with Cabot and Continental Carbon, the same has not occurred for other U.S. competitors. As a result, while Cabot and Continental Carbon are incurring the costs to comply, other companies are not. The actions of the previous Administration appears to create an uneven playing field with winners and losers and seems inconsistent with EPA's prior actions. Inconsistent application of federal laws would disproportionately impact those companies cooperating with EPA, impacting hundreds of jobs in Louisiana and elsewhere.

As a result, my constituents are seeking injunctive relief until EPA has issued compliance requirements for the entire industry.

¹ <https://www.epa.gov/enforcement/cabot-corporation-clean-air-act-settlement>

I appreciate your consideration and look forward to your response as we work to protect American jobs and the environment.

Sincerely,

Bill Cassidy, M.D.

Bill Cassidy, M.D.
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

AUG - 3 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

The Honorable Bill Cassidy
United States Senate
Washington, D.C. 20510

Dear Senator Cassidy:

Thank you for your letter of May 12, 2017, to the U.S. Environmental Protection Agency. We share your interest in maintaining jobs in the carbon black manufacturing industry in the United States and agree that the law should be fairly and evenly applied to all carbon black plants in the United States.

Your letter references ongoing enforcement matters that involve, among other things, claims based upon the long-standing rules under the Clean Air Act regarding New Source Review. While we cannot address the status of enforcement actions or settlement discussions involving any particular company, we are working with the relevant parties, and we are aware of the importance of maintaining a fair and even playing field.

In 2007, as part of an effort to focus on environmental problems where federal enforcement efforts can make a difference, the EPA initiated investigation of the carbon black manufacturing sector. The EPA worked closely with our state partners in Louisiana, Alabama and Oklahoma to achieve two settlements, which we believe will achieve significant public health and environmental benefits for the communities surrounding these facilities. When fully implemented, the settlements will result in substantial reductions in emissions of particulates, sulfur dioxide and nitrogen oxides, pollutants that have been linked to negative impacts on the environment and human health, including susceptibility to respiratory infections and asthma attacks.

We remain committed to working with the other carbon black companies to ensure full compliance with the law, including installation of required pollution controls, by all carbon black manufacturing facilities in the United States. We recognize the significant environmental and financial commitment of Cabot and Continental. We have recently met with both companies to more fully understand their concerns.

Again, thank you for your letter. If you have further questions, please do not hesitate to contact me, or your staff may contact Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at Levine.Carolyn@epa.gov or (202) 564-1859.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence Starfield".

Lawrence Starfield
Acting Assistant Administrator

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

May 5, 2017

Ms. Wendy Cleland-Hamnett
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Mail Code: 7101M
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Cleland-Hamnett:

Pursuant to Rules X and XI of the U.S. House of Representatives, I write to request a briefing from your office regarding the multiple and conflicting reports about the fiscal year (FY) 2018 budget for the U.S. Environmental Protection Agency (EPA).

Every day, EPA's program and regional offices perform vital functions that, among other things, help ensure American families have clean air and safe drinking water. However, President Trump's March 16, 2017 budget blueprint proposed extreme budget and personnel cuts to EPA, including a 31 percent funding reduction and the elimination of 3,200 employees.¹ An internal memorandum from EPA Acting Chief Financial Officer David A. Bloom, which was subsequently leaked to the press, further underscores that dangerous and significant budget cuts may be under consideration.²

The Committee has serious concerns that such severe budget and personnel cuts would undermine the Agency's critically important work at the expense of human health and the environment. In light of unofficial sources identifying the elimination of more than 50 critical programs throughout the Agency, the Committee on April 20, 2017 sent a letter to Administrator Pruitt requesting a briefing on the Agency's budget request. To date, the Committee has yet to receive a briefing in response to this request.

¹ Office of Management and Budget, *America First: A Budget Blueprint to Make America Great Again* (Mar. 2017).

² Memorandum from David A. Bloom, EPA Acting Chief Financial Officer, to EPA Acting General Counsel, et al. FY 2018 President's Budget: Major Policy and Final Resource Decisions (Mar. 21, 2017).

Ms. Wendy Cleland-Hamnett
May 5, 2017
Page 2

To that end, the Committee requests a briefing from the Office of Chemical Safety and Pollution Prevention on how EPA's FY 2018 budget request will affect the ability of the office to fulfill EPA's obligation to protect human health and the environment.

This briefing should include any information concerning the Office of Chemical Safety and Pollution Prevention programs and initiatives within the jurisdiction of the Committee, including, but not limited to, proposed budget and spending breakdowns, future state and regional funding, current and future employment numbers, elimination and consolidation plans, and timelines for implementing these broad changes.

As the Committee with primary jurisdiction over EPA, it is critical that Energy and Commerce Members and staff receive accurate and timely information on the current priorities and plans of the Agency. I appreciate your attention to this matter and look forward to a response as soon as possible, but, in any event, by no later than May 18, 2017.

Sincerely,



Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce

Cc: The Honorable Greg Walden
Chairman
Committee on Energy and Commerce



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 16 2017

OFFICE OF
CONGRESSIONAL AND
INTERGOVERNMENTAL
RELATIONS

The Honorable Frank Pallone, Jr.
Ranking Member, Committee on
Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Ranking Member Pallone:

Thank you for your letters to the Agency of May 5, 2017, to the Acting Assistant Administrators and Acting Regional Administrators of the U.S. Environmental Protection Agency, requesting a briefing on the agency's Fiscal Year 2018 President's Budget.

The EPA is working towards developing the President's budget based on the framework provided by his blueprint. However, at this time the EPA is unable to comment further on the FY 2018 President's Budget proposal until it is submitted to Congress and publically released. The EPA will provide briefings to our Congressional Appropriations and Authorizing Committees on the FY 2018 President's Budget proposal following the submission to Congress on May 22, 2017.

For your reference attached is a copy of our response to your letter dated April 20, 2017 requesting Administrator Scott Pruitt to lead a similar briefing.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact James Blizzard, in the EPA's Office of Congressional and Intergovernmental Relations, at blizzard.james@epa.gov, or (202) 564-1695.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy Lyons", is written over the typed name and title.

Troy M. Lyons
Associate Administrator for Congressional and
Intergovernmental Affairs



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 10 2017

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Frank Pallone, Jr.
Ranking Member, Committee on
Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Pallone:

Thank you for your letter of April 20, 2017, to Scott Pruitt, Administrator of the U.S. Environmental Protection Agency, requesting a briefing on the agency's Fiscal Year 2018 President's Budget.

The EPA is working towards developing the President's budget based on the framework provided by his blueprint. However, at this time the EPA is unable to comment further on the FY 2018 President's Budget proposal until it is submitted to Congress and publically released. The EPA will provide briefings to our Congressional Appropriations and Authorizing Committees on the FY 2018 President's Budget proposal following the submission to Congress on May 22, 2017.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact James Blizzard, in the EPA's Office of Congressional and Intergovernmental Relations, at blizzard.james@epa.gov, or (202) 564-1695.

Sincerely,


David A. Bloom
Acting Chief Financial Officer

GREG WALDEN, OREGON
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

May 5, 2017

Ms. V. Anne Heard
Acting Regional Administrator
EPA Region 4 Office
U.S. Environmental Protection Agency
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Dear Ms. Heard:

Pursuant to Rules X and XI of the U.S. House of Representatives, I write to request a briefing from your office regarding the multiple and conflicting reports about the fiscal year (FY) 2018 budget for the U.S. Environmental Protection Agency (EPA).

Every day, EPA's program and regional offices perform vital functions that, among other things, help ensure American families have clean air and safe drinking water. However, President Trump's March 16, 2017 budget blueprint proposed extreme budget and personnel cuts to EPA, including a 31 percent funding reduction and the elimination of 3,200 employees.¹ An internal memorandum from EPA Acting Chief Financial Officer David A. Bloom, which was subsequently leaked to the press, further underscores that dangerous and significant budget cuts may be under consideration.²

The Committee has serious concerns that such severe budget and personnel cuts would undermine the Agency's critically important work at the expense of human health and the environment. In light of unofficial sources identifying the elimination of more than 50 critical programs throughout the Agency, the Committee on April 20, 2017 sent a letter to Administrator Pruitt requesting a briefing on the Agency's budget request. To date, the Committee has yet to receive a briefing in response to this request.

¹ Office of Management and Budget, *America First: A Budget Blueprint to Make America Great Again* (Mar. 2017).

² Memorandum from David A. Bloom, EPA Acting Chief Financial Officer, to EPA Acting General Counsel, et al. FY 2018 President's Budget: Major Policy and Final Resource Decisions (Mar. 21, 2017).

Ms. V. Anne Heard
May 5, 2017
Page 2

To that end, the Committee requests a briefing from the EPA Region 4 Office on how EPA's FY 2018 budget request will affect the ability of the office to fulfill EPA's obligation to protect human health and the environment.

This briefing should include any information concerning the EPA Region 4 Office programs and initiatives within the jurisdiction of the Committee, including, but not limited to, proposed budget and spending breakdowns, future state and regional funding, current and future employment numbers, elimination and consolidation plans, and timelines for implementing these broad changes.

As the Committee with primary jurisdiction over EPA, it is critical that Energy and Commerce Members and staff receive accurate and timely information on the current priorities and plans of the Agency. I appreciate your attention to this matter and look forward to a response as soon as possible, but, in any event, by no later than May 18, 2017.

Sincerely,



Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce

Cc: The Honorable Greg Walden
Chairman
Committee on Energy and Commerce

May 11, 2017 4:03PM

Congressman Scott Perry

17-000-8718
No. 0431 P. 2

SCOTT PERRY
4TH DISTRICT, PENNSYLVANIA

1207 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6836



TRANSPORTATION AND
INFRASTRUCTURE
HOMELAND SECURITY
FOREIGN AFFAIRS

Congress of the United States
House of Representatives

May 11, 2017

Office of Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Ave NW Rm 3426
Washington, DC 20460-0001

Dear Sir/Madam,

Enclosed is correspondence I have received from my constituent, (b) (6), concerning his request to meet with EPA Administrator Pruitt or EPA staff to discuss his ongoing concerns regarding data issues. Please extend to Mr. (b) (6) a complete and fair review of this case.

If additional information is needed, please contact me at (717) 600-1919, or via fax at (717) 757-5569. Written replies should be mailed to Congressman Scott Perry, 2209 East Market Street, York, PA 17402. Thank you for your time and consideration. I look forward to your response.

Sincerely,

ROBERT TRELL, Deputy Chief of Staff, and in Mr. Pruitt or EPA staff

YORK
2209 EAST MARKET STREET
YORK, PA 17402
(717) 600-1919

WORMLEYSBURG
730 NORTH GONZALES STREET
WORMLEYSBURG, PA 17068
(717) 435-0500

GETTYSBURG
22 CHAMBERSBURG STREET
GETTYSBURG, PA 17326
(717) 338-1019

PRINTED ON RECYCLED PAPER

Congressman Scott G. Perry 050417

Attn: Robert Reilly
Deputy Chief of Staff
U.S. Rep. Scott Perry (PA-04)
2209 East Market Street
York, PA 17402

Bob.Reilly@mail.house.gov
(717) 600-1919

Subject: Meeting request - Starting over at EPA HQ

Congressman Scott Perry,

As you are aware I've been working on a very important complex data problem which has been a challenge to multiple administrators dating back years.

Now that Pres. Trump has administrative personnel in place at the EPA, and now faced with Challenges of Executive Order #13777 resulting in some of the internal budgets being cut up to 50%, and recently at the same time OMB Director Mick Mulvaney is asking for public assistance in knowing what to keep in place. Basically the new Trump Administration is reaching out to the public for information.

With that said and knowing who I dealt with at the EPA in the past, being some of their key OEI personnel, involved with solving EO 13650 sec. 5 (b) the many locational problems in order to get our nations data system back on track, which changes were required to improve the **information collection and reporting processes** throughout our nation.

These problems will not go away until the information within our federal system starting with the EPA, who in my opinion has the best authoritative data system tools etc., being the Facility Register System/Services (FRS) that is required to fix the larger national data problems we have thus setting the locational data records in the system straight so the American public can protect their loved ones in times of crisis or need.

These far-reaching type of data problems overlap multiple agencies departments etc. which I am hoping to explain directly to Administrator Pruitt what happened in the past, before... somebody makes a hasty decision, making the situation worse for everybody involved at the EPA and now faced with...

The first step is to understand what happened at EPA HQ. I am reaching out to the public for information.

Summary:

Congressman Scott G. Perry would you write a letter of introduction for me to the new EPA Administrator Scott Pruitt requesting a meeting as soon as possible so I can explain directly to him the depth of the situation that he will be facing inside... and outside of his part of the Trump Administration that will in turn effect the much larger IT national public health / life safety problem in Washington DC. that the Director of OMB should most definitely know about because a STANDARD was not established by others from the previous administration days prior to the November 2016 election, that in my opinion set up the potential of a perfect worst-case scenario for the future Trump Administration.

Thank you for your assistance.

Sincerely,

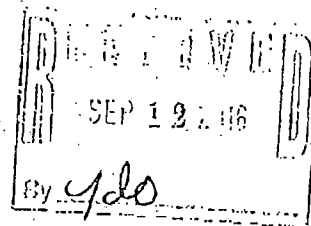
(b) (6)
Seven Valleys, PA 17360
Phone: (b) (6)
(b) (6)

(b) (6)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 8 2016



The Honorable Scott Perry
U.S. House of Representatives
c/o Robert Reilly
2209 East Market Street
York, PA 17402

Dear Congressman Perry:

Thank you for your letter of July 16, 2016, to the U.S. Environmental Protection Agency on behalf of your constituent, (b) (6), requesting an update on the EPA's efforts to improve facility locational data quality. Mr. (b) (6) also requested the agency's consideration of a National Outreach Community Training program to teach members of the public how to use the EPA's Facility Registry Service (FRS) widget to help correct locational data errors.

We appreciate Mr. (b) (6) commitment to continued engagement in assisting the EPA with our data quality improvement efforts, and we value his knowledge and perspective on this topic. The EPA shares Mr. (b) (6) interest in ensuring the agency maintains high quality facility location information. While we have plans to provide a tool that members of the public can use to easily submit facility data corrections, that tool has not been developed, yet.

The new FRS widget referenced in Mr. (b) (6) June 29, 2016, email does not yet have a public-facing component. At this time, the EPA has implemented a facility look-up widget for internal agency users and has integrated this tool into agency systems that securely collect environmental information from regulated entities through the EPA's Central Data Exchange (an electronic reporting gateway). Below are the eight agency systems that currently use the facility look-up widget and the four that will use the widget in the near future:

EPA Systems that currently use the facility look-up widget

- Compliance and Emissions Data Reporting Interface
- Toxics Release Inventory
- Toxics Release Inventory - Data Processing System
- Section Seven Tracking System
- Federal Air Rules for Reservations Online Reporting System
- Chemical Safety and Pesticides Program
- eDisclosure
- E-Enterprise Portal - Compliance and Emissions Data Reporting Interface, Chemical Safety and Pesticides Program, and eDisclosure available currently

EPA Systems that will use the facility look-up widget

- E-Manifest (currently under development)

Risk Management Plan (RMP) (currently in planning stage)

The facility look-up widget allows users to search for facility information within FRS and associate the information with their electronic submission to an EPA regulatory program. Facility information can also be corrected within the widget; data elements such as facility name, address and location can be changed within the widget and updates sent to both FRS and the connected system. The facility look-up widget has led to improved data quality for facility information, as well as dramatic time savings for both direct reporters and agency regulatory programs who have adopted the use of the widget.

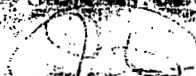
Our ongoing dialog with Mr. (b) (6) has provided us with a better understanding of the requirements for a version of the facility look-up widget that enables the public to report an error for facility locational information, for the benefit of emergency response as well as other uses. We will use his input, as an informed stakeholder, when we develop an outreach strategy for the public-facing tool to improve the error reporting process when it becomes available. At this time there is no scheduled release date for the public-facing tool. However, we anticipate the development of the improvements to the error reporting process to begin during the second quarter of fiscal year 2017 due to other FRS system updates. We will work with the agency's program offices, such as the Office of Land and Emergency Management, to leverage existing stakeholder communities of interest to identify the best approaches for training and awareness, including state and local emergency response and environmental justice communities.

Again, thank you for your letter. If you have further questions, please contact me.

Sincerely,



Ann Dunkin
Chief Information Officer



Ann Dunkin
Chief Information Officer

JAMES M. INHOFE
OKLAHOMA

WASHINGTON OFFICE
205 HURST L. SHAWNEE OFFICE BUILDING
WASHINGTON, DC 20510-3603
(202) 224-2721

TJLSA OFFICE
1924 SOUTH JTEA, SUITE 530
TULSA, OK 74104
(918) 749-5111

OKLAHOMA CITY OFFICE
1903 N W. EXPRESSWAY, SUITE 1210
OKLAHOMA CITY, OK 73118
(405) 608-4381

United States Senate

WASHINGTON, DC 20510-3603

COMMITTEES:

ARMED SERVICES

ENVIRONMENT AND
PUBLIC WORKS

COMMERCE, SCIENCE
AND TRANSPORTATION

SMALL BUSINESS AND
ENTREPRENEURSHIP

April 27, 2017

Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Office of the Administrator, 1101A
Washington, DC 20460

Dear Administrator Pruitt:

I am writing to request that the Environmental Protection Agency (EPA) delay implementation of new requirements on Continental Carbon Company and Cabot Corps carbon black production facilities.

More than 300 people work for Continental Carbon at its facilities in Oklahoma, Alabama, and Texas. Continental Carbon is a crucial part of these local economies. In small towns like Ponca City, Continental Carbon is one of our largest employers, providing good, high paying jobs. All told, Continental conservatively invests approximately \$140 million in economic value in American communities every year.

Cabot employs 1500 people across Oklahoma, Louisiana and Texas. Cabot's investment in local communities is \$360 million annually in communities from Pryor, Oklahoma to Ville Platte, Louisiana. These are very high paying jobs with an average annual salary of \$70,000, which is an income levels not easily replicated in these communities.

During the previous administration, EPA implemented a national enforcement initiative to control emissions from carbon black manufacturers. It is my understanding that EPA has investigated and issued notices of violation under the Clean Air Act to all 15 of the carbon black plants in the United States, but has only reached settlements with Continental Carbon and one other company that collectively operate six of those 15 plants. I am concerned that EPA's selective enforcement is creating an unfair marketplace.

The U.S. carbon black industry has only five competitors who operate the 15 plants in Oklahoma, Texas, Alabama, Louisiana and Kansas. In 2014, Continental Carbon and Cabot each chose to resolve the EPA's notices by entering federal court consent decrees, agreeing to invest hundreds of millions of dollars to install stringent new controls at their plants in order to reduce emissions of air pollutants and spend an additional tens of millions in operating costs every year.

Continental Carbon and Cabot have each already made substantial capital investments as required by the settlements. Each is almost finished installing controls at one of their respective

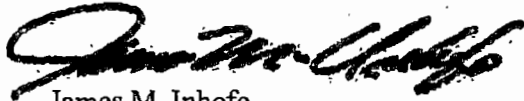
plants, and projects are already well underway at their four remaining plants to meet the September 2018 and June 2021 deadlines imposed by the settlements. The companies are advancing these projects to meet the deadlines, but if the current schedules are not amended, they could be forced to shut down. The EPA will be running these two companies – with the cleanest manufacturing plants in the business – out of business. This cannot be the EPA's goal.

The actions of the previous Administration have created an uneven playing field. This is untenable in a highly competitive industry where a small change in price of 1 to 2 cents/pound can make the difference in retaining or losing business. While I know you cannot rewrite the complicated history of this issue, in your new capacity there are actions you can take to address the situation.

A positive first step would be for EPA to ask the courts to stay immediately the compliance deadlines contained in Continental Carbon and Cabot Corp's consent decrees. This would provide these companies with immediate relief and allow EPA time to determine what rules all of these facilities will abide by, not just a few of them.

I appreciate your consideration and look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Inhofe", written in a cursive style.

James M. Inhofe
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

JUL 12 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

The Honorable James M. Inhofe
United States Senate
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for your letter of April 27, 2017, to the U.S. Environmental Protection Agency. We share your interest in maintaining jobs in the carbon black manufacturing industry in the United States and agree that the law should be fairly and evenly applied to all carbon black plants in the United States.

Your letter references ongoing enforcement matters that involve, among other things, claims based upon the long-standing rules under the Clean Air Act regarding New Source Review. While we cannot address the status of enforcement actions or settlement discussions involving any particular company, we are working with the relevant parties, and we are aware of the importance of maintaining a fair and even playing field.

In 2007, as part of an effort to focus on environmental problems where federal enforcement efforts can make a difference, the EPA initiated investigation of the carbon black manufacturing sector. The EPA worked closely with our state partners in Louisiana, Alabama and Oklahoma to achieve two settlements, which we believe will achieve significant public health and environmental benefits for the communities surrounding these facilities. When fully implemented, the settlements will result in substantial reductions in emissions of particulates, sulfur dioxide and nitrogen oxides, pollutants that have been linked to negative impacts on the environment and human health, including susceptibility to respiratory infections and asthma attacks.

We remain committed to working with the other carbon black companies to ensure full compliance with the law, including installation of required pollution controls, by all carbon black manufacturing facilities in the United States. We recognize the significant environmental and financial commitment of Continental and Cabot. We have recently met with both companies to more fully understand their concerns.

Again, thank you for your letter. If you have further questions, please do not hesitate to contact me, or your staff may contact Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at Levine.Carolyn@epa.gov or (202) 564-1859.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence Starfield".

Lawrence Starfield
Acting Assistant Administrator

17-000-9037

United States Senate

WASHINGTON, DC 20510

May 9, 2017

The Honorable J. Christopher Giancarlo
Acting Chairman
Commodities Futures Trading Commission
Three Lafayette Centre
1155 21st St. NW
Washington, DC 20581

The Honorable Jay Clayton
Chairman
Securities and Exchange Commission
100 F St. SE
Washington, DC 20549

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20004

Dear Acting Chairman Giancarlo, Chairman Clayton, and Administrator Pruitt:

We are writing to request that your agencies investigate whether Carl Icahn violated insider trading laws, anti-market manipulation laws, or any other relevant laws based on his recent actions in the market for renewable fuel credits.

On December 21, 2016, President Trump named Mr. Icahn "special advisor to the President on issues relating to regulatory reform."¹ Despite this role, Mr. Icahn continues to retain his massive business interests, including serving as the majority owner of CVR Energy, a petroleum refining company that is heavily involved in the renewable fuel credit market.

Mr. Icahn "made a massive bet in 2016" that the price of the renewable fuel credits would drop.² He then – as an unpaid adviser to President Trump – recommended personnel and policies that did in fact cause the price of these credits to drop. The net result was an "impossible" "rare profit" on the credits, "a \$50 million turnaround" from Mr. Icahn's initial investment.³

¹ Trump Transition Press Release, President-Elect Donald J. Trump Names Carl Icahn Special Advisor to the President on Regulatory Reform (Dec. 21, 2016) (<http://www.presidency.ucsb.edu/ws/index.php?pid=119884>).

² Reuters, Chris Prentice and Jarrett Renshaw, Inside Edge – Trump Advisor Icahn's Big Bet against Biofuels Credits (Apr. 12, 2017) (<http://www.reuters.com/article/us-usa-biofuels-icahn-exclusive-idUSKBN17E0D6>).

³ Reuters, Jarrett Renshaw and Chris Prentice, Big Short Position on Biofuels Generated Profit for Icahn's Refiner (May 1, 2017) (<http://www.reuters.com/article/us-cvr-energy-biofuels-idUSKBN17X2HX>).

These actions, and the massive profit earned by Mr. Icahn, raise clear questions about whether he may have violated conflict-of-interest rules that apply to government officials.⁴ These questions are best addressed by the Office of White House Counsel, the Office of Government Ethics, and the Department of Justice.

But questions regarding insider trading and market manipulation of renewable fuel credits fall squarely within your agencies' jurisdiction. The issuance and trading of renewable fuel credits (referred to as Renewable Identification Numbers, or RINs) falls within the jurisdiction of the EPA, and the EPA and the CFTC work together to ensure integrity in the RIN market.⁵ The Dodd-Frank law also granted CFTC broad authority to prevent insider trading and other market manipulation in commodities markets and futures markets.⁶ Finally, to the extent that any actions taken by Mr. Icahn in his capacity as an adviser to President Trump affected CVR's stock value, or the accuracy of the company's annual and quarterly financial reporting and disclosure, the SEC has jurisdiction to investigate these matters.

Renewable fuel credit insider trading and market manipulation hurts all parties, including biofuel producers and refineries, and publicly available evidence raises serious questions about Mr. Icahn's conduct. Over the course of 2016, including the months immediately prior to and following President Trump's election, CVR Energy delayed purchases of necessary renewable fuel credits and instead sold millions of them. This "counterintuitive trading strategy... [was] a bet that it could buy the credits it would need later at lower prices."⁷

Mr. Icahn secured a position as a senior adviser to President Trump, from which he was, according to press reports, able to influence decisions that drove down the price of the credits. Detailed reporting by Reuters noted "several political events" that drove down the price of the credits and benefitted CVR and Mr. Icahn.⁸ Mr. Icahn reportedly advised President Trump to choose Mr. Pruitt, a critic of the renewable fuel credit program, as EPA Administrator.⁹ When President Trump did so, the price of the credits dropped by approximately 20%. Then, after February 27, 2017, when press reports indicated that Mr. Icahn had presented the White House with executive language to modify the renewable fuel credit program, RIN market prices dropped again, by approximately a third, reaching a 17-month low that represented about a 70% decline from the November 2016 peak cost of the credits.¹⁰

⁴ See, e.g., 18 U.S.C. §§ 201-209; 5 U.S.C. app. §§ *et seq.*; 5 CFR Part 2635.

⁵ EPA, CFTC-EPA Memorandum of Understanding (March 17, 2016) (<https://www.epa.gov/renewable-fuel-standard-program/cftc-epa-memorandum-understanding>).

⁶ P.L. 111-203 § 753.

⁷ Reuters, Chris Prentice and Jarrett Renshaw, Inside Edge – Trump Advisor Icahn's Big Bet against Biofuels Credits (Apr. 12, 2017).

⁸ Reuters, Chris Prentice and Jarrett Renshaw, Inside Edge – Trump Advisor Icahn's Big Bet against Biofuels Credits (Apr. 12, 2017).

⁹ CNBC, Trump Names Icahn as Special Advisor on Regulation, Vows to Shred Obama Rules (Dec. 21, 2016) (<http://www.cnbc.com/2016/12/21/trump-to-name-icahn-as-special-adviser-on-regulatory-overhaul-report.html>).

¹⁰ Reuters, Chris Prentice and Jarrett Renshaw, Inside Edge – Trump Advisor Icahn's Big Bet against Biofuels Credits (Apr. 12, 2017).

While this was occurring, most refiners were accumulating credits to satisfy renewable fuel standards – but CVR was offloading credits they would need to purchase again later in 2017 in a bet that the price for RINs would continue to plummet and they could buy them at that later date at a discount.¹¹

The net result was a \$50 million windfall for CVR and Mr. Icahn. One analyst described this windfall as “impossible... No one has ever done anything like this... You’re essentially betting that that you really believe there’s a strong probability the government will make a change for the (biofuels) program. Most people are uncomfortable making a directional bet like that.”¹² But Mr. Icahn was in a unique position to know and impact the direction of government policy – and evidence suggests that he did so.

We have no way of knowing at this time whether Mr. Icahn made any of his renewable fuel credit trades or decisions about trades based on material, non-public information or otherwise manipulated the market. But the publicly available evidence is troubling, and based on this evidence, we ask that your agencies investigate whether Mr. Icahn’s conduct violated any laws under your jurisdiction. Specifically, we ask that your investigation include:

1. The precise nature and extent of Mr. Icahn’s communications with President Trump and other Administration officials during and after the Presidential transition.
2. The extent to which Mr. Icahn influenced the Trump administration’s decisions that affected the market for renewable fuel credits and associated markets.
3. The extent, timing, and rationale for Mr. Icahn’s decisions relating to CVR’s purchases and sales of renewable fuel credits, and the outcome of these decisions.
4. The extent to which Mr. Icahn had access to material, non-public information or provided such information to the media or the public, and whether he might have used this information in his decisions regarding renewable fuel credits.
5. An analysis of whether CVR’s SEC quarterly and annual reports appropriately disclosed information relevant to Mr. Icahn’s decisions regarding renewable fuel credit investments and their impact on the market and on CVR stock prices.

An additional complication of this matter will be potential recusals of Administrator Pruitt and Chairman Clayton from issues involving Mr. Icahn. Mr. Icahn was reported to be heavily involved in interviewing candidates to for SEC Chairman, and Chairman Clayton has acknowledged that he met with Mr. Icahn after he was nominated as SEC Chair.¹³ Similarly, Mr. Icahn was

¹¹ Reuters, Chris Prentice and Jarrett Renshaw, Inside Edge – Trump Advisor Icahn’s Big Bet against Biofuels Credits (Apr. 12, 2017).

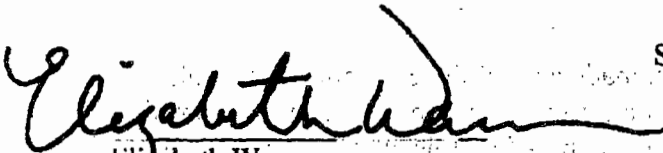
¹² Reuters, Jarrett Renshaw and Chris Prentice, Big Short Position on Biofuels Generated Profit for Icahn’s Refiner (May 1, 2017) (<http://www.reuters.com/article/us-cvr-energy-biofuels-idUSKBN17X2HX>).

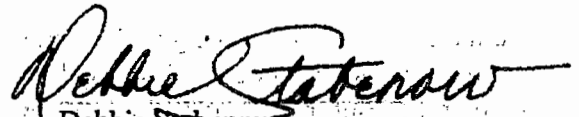
¹³ Reuters, Exclusive – Wall Street Lawyer Jay Clayton Emerges as Trump’s Top SEC Choice (Jan. 4, 2017) (<http://uk.reuters.com/article/uk-usa-trump-sec-exclusive-idUKKBN14N1Y4>); Reuters,

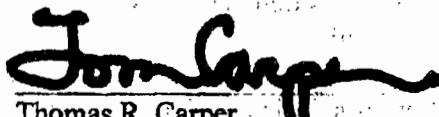
involved in President Trump's choice of Administrator Pruitt for EPA Administrator, and reportedly discussed renewable fuel permits issues with him on several occasions prior to his nomination.¹⁴ These contacts, and Mr. Icahn's role in selecting both Chairman Clayton and Administrator Pruitt, may mean that recusals are necessary in order to prevent conflicts of interest, or the appearance of conflicts of interest, as your agencies investigate this matter. We therefore ask that you provide us with information on whether Administrator Pruitt or Chairman Clayton will be recusing themselves from this matter, and how the EPA and SEC will handle their decisions about whether to do so.


We also ask that you provide us with a briefing on this matter no later than June 9, 2017.

Sincerely,

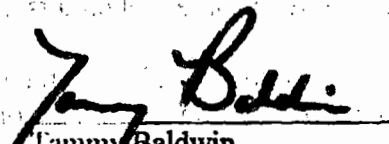

Elizabeth Warren
United States Senator

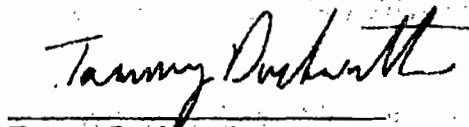

Debbie Stabenow
United States Senator

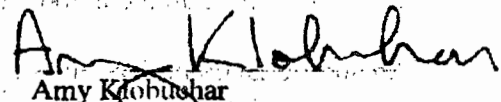

Thomas R. Carper
United States Senator


Sherrod Brown
United States Senator


Sheldon Whitehouse
United States Senator


Tammy Baldwin
United States Senator


Tammy Duckworth
United States Senator


Amy Klobuchar
United States Senator

Senate Panel Presses SEC Nominee Clayton on Conflicts (Mar. 23, 2017)
(<http://www.reuters.com/article/us-usa-sec-clayton-idUSKBN16U0DL>).

¹⁴ Bloomberg, Icahn Pressed EPA Candidates on Ethanol Rule He Wants Scrapped (Mar. 17, 2017)
(<https://www.bloomberg.com/news/articles/2017-03-17/icahn-pressed-epa-candidates-on-ethanol-rule-he-wants-scrapped?bcomANews=true>).

MARKWAYNE MULLIN
2ND DISTRICT, OKLAHOMA

1113 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2701

1 E CHOCTAW, SUITE 175
MCALISTER, OK 74501
(918) 423-5951

3109 AZALEA PARK DRIVE
MUSKOGEE, OK 74401
(918) 687-2533

17-000-8838

Congress of the United States
House of Representatives
Washington, DC 20515-3602

ENERGY AND COMMERCE COMMITTEE

SUBCOMMITTEES

ENERGY

HEALTH

DIGITAL COMMERCE AND
CONSUMER PROTECTION

May 12, 2017

The Honorable Scott Pruitt
Office of the Administrator
Environmental Protection Agency
William Jefferson Clinton Federal Building
1200 Pennsylvania Avenue N.W.
Washington, DC 20460

Dear Administrator Pruitt:

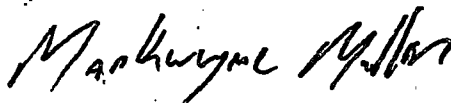
I am writing to request that the Environmental Protection Agency delay or forgo implementation of new requirements on Continental Carbon Company and Cabot Corps carbon black production facilities.

Under the previous Administration, the EPA implemented a national enforcement initiative to control emissions from carbon black manufacturers. These costly requirements were to be industry-wide, however, Continental Carbon and Cabot Corps were the only two companies out of the five competitors in the industry that face these requirements.

Continental Carbon and Cabot have each already made substantial investments as required by their settlements with the EPA. However, if they do not meet their September 2018 and June 21 deadlines, they could be forced to shut down. The EPA will be running these two companies out of business. Continental Carbon employs more than 300 people in Oklahoma, Alabama, and Texas, investing \$140 million in their local communities. More than 1,500 people work for Cabot in Oklahoma, Louisiana, and Texas. They have facilities in my district in Pryor, Oklahoma and bring in more than \$360 million annually to the communities they are in.

The actions of the previous administration have created an uneven playing field. For this reason I am asking you to delay or forgo these costly requirements that have the possibility of shutting down facilities and costing Oklahoma millions of dollars.

Sincerely,



Markwayne Mullin
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

JUL 12 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

The Honorable Markwayne Mullin
U.S. House of Representatives
Washington, D.C. 20510

Dear Congressman Mullin:

Thank you for your letter of May 12, 2017, to the U.S. Environmental Protection Agency. We share your interest in maintaining jobs in the carbon black manufacturing industry in the United States and agree that the law should be fairly and evenly applied to all carbon black plants in the United States.

Your letter references ongoing enforcement matters that involve, among other things, claims based upon the long-standing rules under the Clean Air Act regarding New Source Review. While we cannot address the status of enforcement actions or settlement discussions involving any particular company, we are working with the relevant parties, and we are aware of the importance of maintaining a fair and even playing field.

In 2007, as part of an effort to focus on environmental problems where federal enforcement efforts can make a difference, the EPA initiated investigation of the carbon black manufacturing sector. The EPA worked closely with our state partners in Louisiana, Alabama and Oklahoma to achieve two settlements, which we believe will achieve significant public health and environmental benefits for the communities surrounding these facilities. When fully implemented, the settlements will result in substantial reductions in emissions of particulates, sulfur dioxide and nitrogen oxides, pollutants that have been linked to negative impacts on the environment and human health, including susceptibility to respiratory infections and asthma attacks.

We remain committed to working with the other carbon black companies to ensure full compliance with the law, including installation of required pollution controls, by all carbon black manufacturing facilities in the United States. We recognize the significant environmental and financial commitment of Continental and Cabot. We have recently met with both companies to more fully understand their concerns.

Again, thank you for your letter. If you have further questions, please do not hesitate to contact me, or your staff may contact Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at Levine.Carolyn@epa.gov or (202) 564-1859.

Sincerely,

A handwritten signature in black ink, which appears to read "Lawrence Starfield", is written over a horizontal line.

Lawrence Starfield
Acting Assistant Administrator

17-000-8838

PRAMILA JAYAPAL
7TH DISTRICT, WASHINGTON

319 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3106

1904 3RD AVENUE
SUITE 510
SEATTLE, WA 98101
(206) 674-0840

COMMITTEE ON THE BUDGET
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON
IMMIGRATION AND BORDER SECURITY
SUBCOMMITTEE ON REGULATORY REFORM,
COMMERCIAL, AND ANTI-TRUST LAW

Congress of the United States
House of Representatives
Washington, DC 20515-4707

May 4, 2017

Scott Pruitt
Environmental Protection Agency
Administrator
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Administrator Pruitt:

We write to strongly urge you to strengthen and build on the successes of the Environmental Protection Agency's Environmental Justice Program. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, called to attention the fact that certain communities face disproportionate impacts of climate change, namely communities of color, low-income communities, indigenous peoples, people with limited English proficiency, and people living with disabilities.i

As the administrator of the EPA, you are the Chair of the Interagency Working Group on Environmental Justice (IWG) established by EO 12898, and you are in the unique position of being able to build on the progress that has been made to ensure that environmental justice principles are incorporated into the work being done by the EPA and other IWG member agencies.

According to the *Fiscal Year 2015 Annual Environmental Justice Progress Report*, "Many low-income, minority, and tribal communities are disproportionately impacted by air pollution and are not able to participate in environmental decisions due to barriers that prevent them from meaningfully engaging in the process. As a result, their voices are often unheard."ii The EPA's Environmental Justice Program has the capacity to help close that gap. So far, it has had documented success on projects and initiatives around the country, ranging from providing funding for urban farming to connecting frontline communities to the EPA rulemaking process.iii

It is extremely important to continue this progress, because more than 20 years after EO 12898 was signed, there are still documented disparities in how communities are affected by climate change and air pollution. For example, the prevalence of asthma for people who live in these frontline communities is higher than it is for the general population. When compared to white children, African American children are hospitalized at a rate of 2 to 1 and are four times more likely to die from asthma.iv Race is the number one indicator of whether or not a person lives near a hazardous waste site, and many of these siting decisions are carried out by the EPA, underlining the importance the Agency continuing to incorporate environmental justice into its work.v


Following Hurricanes Katrina and Sandy, we saw extreme disparities in how disaster mitigation and relief were distributed among communities. FEMA's first permanent disaster recovery center in Mississippi was installed more than 15 miles from frontline communities in Gulfport, and HUD funds were disproportionately weighted toward homeowners, rather than low-income renters.vi


Native Americans and Indigenous peoples are facing particular challenges because their traditional places, food sources, and lifestyles are at risk due to climate change. Alaska native and native coastal communities have already started to suffer from the negative side effects of climate change, being forced to leave their homes in search of a new beginning. Shellfish populations are suffering due to ocean acidification as a result of carbon dioxide emissions, threatening the ability of indigenous peoples to harvest shellfish.vii

EO 12898 set the framework for incorporating environmental justice into the decision-making processes of the EPA and other IWG agencies. We must act on climate change, recognizing that frontline communities have continually been most impacted by its effects.

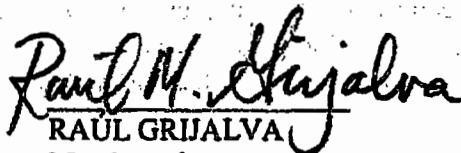
We urge you to continue the work of the EPA's Environmental Justice Program, and ensure that the EPA is making decisions and developing policies that address the disproportionate impacts of climate change on our most vulnerable communities.

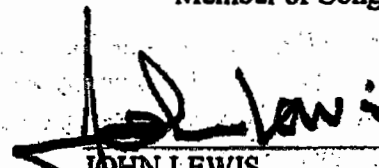
Sincerely,



PRAMILA JAYAPAL
Member of Congress



A. DONALD McEACHIN
Member of Congress



NANETTE DIAZ BARRAGAN
Member of Congress


RAUL GRIJALVA
Member of Congress

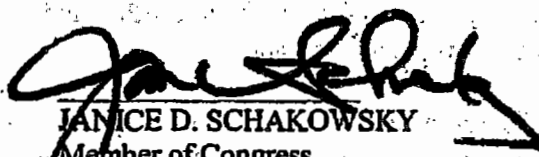

JOHN LEWIS
Member of Congress

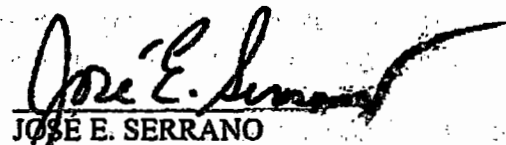

BENNIE G. THOMPSON
Member of Congress

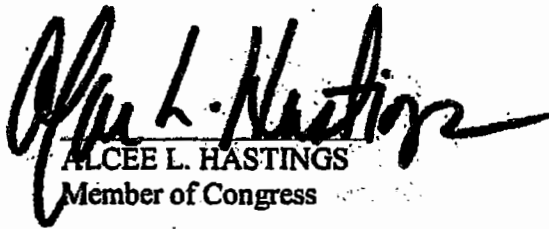

JOHN CONYERS, JR.
Member of Congress

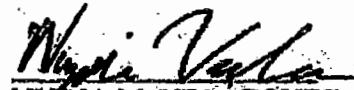

JUDY CHU
Member of Congress



LUIS V. GUTIERREZ
Member of Congress



JANICE D. SCHAKOWSKY
Member of Congress


JOSE E. SERRANO
Member of Congress

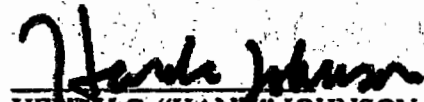

ALCEE L. HASTINGS
Member of Congress

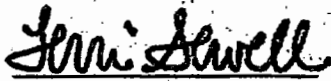

NYDIA M. VELÁZQUEZ
Member of Congress

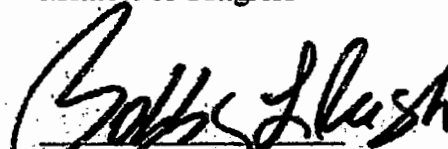

BARBARA LEE
Member of Congress



KEITH ELLISON
Member of Congress



DAVID N. CICILLINE
Member of Congress

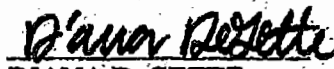

HENRY C. "HANK" JOHNSON
Member of Congress

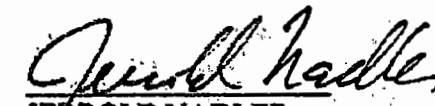

TERRI A. SEWELL
Member of Congress

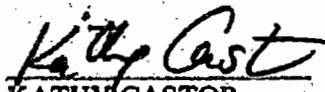

BOBBY L. RUSH
Member of Congress

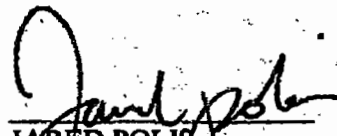

ALAN S. LOWENTHAL
Member of Congress

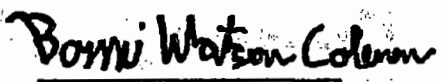

MARCY KAPTUR
Member of Congress


DIANA DeGETTE
Member of Congress


JERROLD NADLER
Member of Congress


KATHY CASTOR
Member of Congress

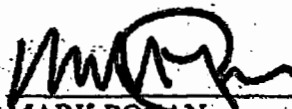

JARED POLIS
Member of Congress


BONNIE WATSON COLEMAN
Member of Congress


EARL BLUMENAUER
Member of Congress



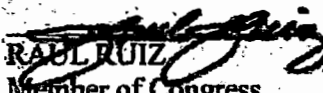
TONY CARDENAS
Member of Congress



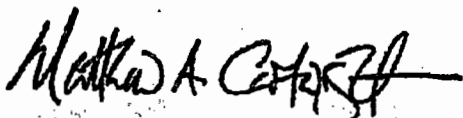
MARK POCAN
Member of Congress



JARED HUFFMAN
Member of Congress



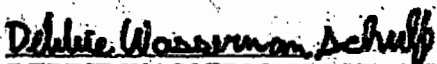
RAUL RUIZ
Member of Congress



MATT CARTWRIGHT
Member of Congress



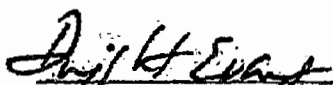
ROBERT C. "BOBBY" SCOTT
Member of Congress



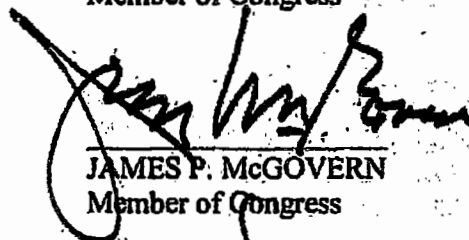
DEBBIE WASSERMAN SCHULTZ
Member of Congress



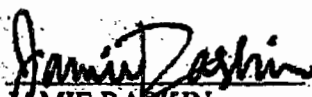
DONALD M. PAYNE, Jr.
Member of Congress



DWIGHT EVANS
Member of Congress



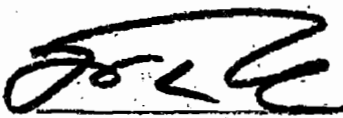
JAMES P. MCGOVERN
Member of Congress



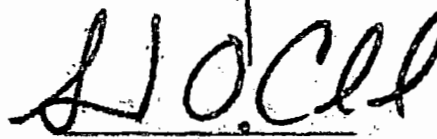
JAMIE RASKIN
Member of Congress



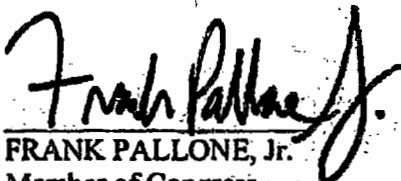
COLLEEN HANABUSA
Member of Congress



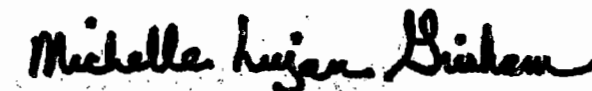
CEDRIC L. RICHMOND
Member of Congress



SALUD O. CARBAJAL
Member of Congress



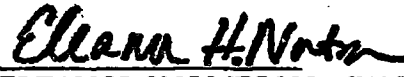
FRANK PALLONE, Jr.
Member of Congress



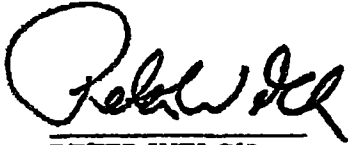
MICHELLE LUJAN GRISHAM
Member of Congress



ADAM SMITH
Member of Congress



ELEANOR HOLMES NORTON
Member of Congress



PETER WELCH
Member of Congress



MAXINE WATERS
Member of Congress

i Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 3 C.F.R. 59 (1994).

ii FY 2015 Annual Environmental Justice Progress Report (Rep.). (2016). Washington, DC: Environmental Protection Agency.

iii Ibid.

iv Children's Environmental Health Disparities: Black and African American Children and Asthma (Rep.). (2014). Washington, DC: Environmental Protection Agency.

v Covert, Bryce. (2016, February 18). *Race Best Predicts Whether You Live Near Pollution*. The Nation.

<https://www.thenation.com/article/race-best-predicts-whether-you-live-near-pollution/>

vi *Environmental Justice through the Eye of Hurricane Katrina* (Rep.). (2008). Retrieved April 12, 2017, from Joint Center for Political and Economic Studies; Health Policy Institute website:

https://web.stanford.edu/group/scspi/_media/pdf/key_issues/Environment_policy.pdf

vii Crimmins, A., Balbus, J., Gamble, J.L., Beard, C.B., Bell, J.E., Dodgen, D., Eisen, R.J., Fann, N., Hawkins, M.D., Herring, S.C., Jantarasami, L., Mills, D.M., Saha, S., Sarofim, M.C., Trtanj, J., and Ziska, L. (2016). *The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment* (Rep.). Washington, DC: U.S. Global Change Research Program.

17-000-8773

WALTER B. JONES
3rd DISTRICT, NORTH CAROLINA

ROOM 2333
RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TELEPHONE: (202) 225-3415

COMMITTEES:
COMMITTEE ON ARMED SERVICES

DISTRICT OFFICE:
1105 C CORPORATE DRIVE
GREENVILLE, NC 27858
(252) 931-1003
(800) 351-1697

Congress of the United States
House of Representatives
Washington, DC 20515-3303

May 15, 2017

The Honorable Scott Pruitt
Environmental Protection Agency
Office of the Administrator, Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

On August 15, 2015, the United States Environmental Protection Agency (EPA) finalized revisions to the National Emissions Standards at 40 CFR Part 03, Subparts AA and BB for phosphoric acid manufacturing and phosphate fertilizer production, as well as the residual risk and technology review for these standards. See *Phosphoric Manufacturing and Phosphate Fertilizer Production RTR and Standards of Performance for Phosphate Processing*, 80 Fed. Reg. 50386 (August 19, 2015) (Final Rule). The Final Rule includes a newly established mercury emission limit (or Maximum Achievable Control Technology Standard) for existing calciner units. As part of the Final Rule process, EPA determined there is no adverse public health risk associated with mercury emissions from Potash Corporation's facility in Aurora, North Carolina. Further, the limit is having a significant impact on the financial viability of the facility and thus, its 850 employees in my congressional district. As such, I am writing to strongly urge you to place this Final Rule on the list of rules to be repealed, replaced or modified under Executive Order 13777.

Mercury emissions from such units were not previously regulated. Potash's Aurora facility operates the only six calciners subject to this limitation in the entire country. EPA determined that the sole technology to control such emissions that *might* be technically feasible at the site is not economically reasonable for the Aurora facility. Instead, it would result in an unreasonable financial burden on the company and its employees if it was required to be installed. However, notwithstanding these findings, the Aurora facility may still be forced to install this exceedingly expensive and unproven technology based upon the manner in which the limit was set.

The mercury limit established by EPA in the Final Rule was based upon a limited data set from two test events at the Aurora facility in 2010 and 2014, respectively. These events do not take into consideration the natural variations of mercury in ore processed by the Aurora facility, nor all operating scenarios or conditions under which the calciners operate. As such, I am concerned that Aurora will have no alternative but to install new control technology that would significantly impact the viability of the facility to operate (and which EPA already determined was economically unreasonable for its operations). This would put the Aurora facility's viability in doubt along with the jobs of its 850 employees and the hundreds of collateral businesses and jobs that support the facility and its operations.

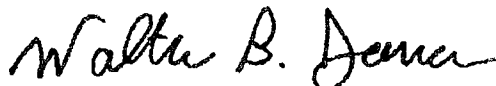
As a result of the Final Rule failing to provide flexibility to address the content variability of the ore in the emission limit or all operating conditions for the units, I also share Potash Corp's concerns about its ability to maintain compliance with the mercury limit set by the Final Rule in the absence of expensive control technologies, particularly as it moves into other areas of its phosphate mine where the natural content may vary.

Given the circumstances of how this limit was developed, I believe this Final Rule is an outstanding candidate for inclusion under Executive Order 13777. The Rule has significant financial implications for the Aurora facility and limits the ability for it to compete on the global marketplace. Lost jobs would unnecessarily harm the well-being of affected families and potentially eliminate a considerable employer and revenue source in an already economically challenged region. Further, EPA has already concluded that the mercury emissions from the facility do not pose a residual risk. This is exactly the type of unnecessary rule that Executive Order 13777 was crafted to address.

I strongly urge you eliminate the rule, or at a minimum, to revise the rule in order to ensure that a proper mercury emission limit is set.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Walter B. Jones". The signature is written in a cursive, flowing style.

Walter B. Jones
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 16 2017

OFFICE OF
AIR AND RADIATION

The Honorable Walter B. Jones
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Jones:

Thank you for your letter of May 15, 2017, to the U.S. Environmental Protection Agency regarding the Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Residual Risk and Technology Review and Standards of Performance for Phosphate Processing and your suggestion that it be included in the Executive Order 13777 review process.

First, let me assure you that we have placed your letter in the public comment section of the docket (EPA-HQ-OA-2017-0190) that we opened for collecting suggestions on Executive Order 13777.

Second, we met with PCS Phosphate on June 8, 2017. In that meeting, the company provided additional information for us to consider as we determine how to proceed in this matter. After we have had time to evaluate the new information, we will be in touch with the company and, as appropriate, discuss further.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Matthew Davis in the EPA's Office of Congressional and Intergovernmental Relations at davis.matthew@epa.gov or at (202) 564-1267.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Dunham", is written over a horizontal line.

Sarah Dunham
Acting Assistant Administrator